



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,289	12/29/2000	Alan S. Chapman	57983.000032	8904

7590 10/21/2004

Thomas E. Anderson
Hunton & Williams
1900 K Street, N.W.
Washington, DC 20006-1109

EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,289

Applicant(s)

CHAPMAN ET AL.

Examiner

Salad E Abdullahi

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 12-21 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 8-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response

1. The response filed on 7/15/2004 has been received and made of record.
2. Applicant's argument with respect election/restriction issued on 6/16/2004 is persuasive. The examiner has withdrawn election/restriction requirement issued on 6/16/2004. Hence claims 1-21 will be examined in this office action.
3. This application has been reviewed. Original claims 1-21 are pending. The rejection cited stated below.

Allowable Subject Matter

4. Claims 3-6 and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest the method of claim 1, wherein the content further comprises a descriptor that enables the at least one node to identify an attribute of the content, and the step of launching a request further comprises: launching the request with a request payload containing one or more instructions on what to locate in the descriptor.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2157

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, 7, and 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatakeyama U. S. Patent No. 6,542,468[hereinafter Hatakeyama].

As per claim 1, Hatakeyama discloses a method for delivering content over a network having at least one requesting endpoint and at least one node, wherein the at least one node stores content, the method comprising:

launching a request for content from the at least one requesting end point (transmitting request to service provider) (see col. 9, lines 10-15);

propagating the request over the network to the at least one node(see col. 9, lines 10-15 and col. 10, lines 6-10);

leaving a trail of the request at the at least one node(storing or recording the path of the request at a node) (see fig. 4b and col. 9, lines 6—31 and col. 13, lines 23-50); and

when content matching the request is located, returning a copy of the content to the at least one requesting endpoint over the trail of the request (col. 9, lines 6—31 and col. 13, lines 23-50).

As per claim 2, Hatakeyama discloses the method of claim 1, wherein the network comprises at least one other endpoint and the method further comprises: propagating the request over the network to the at least one other endpoint; and leaving a trail of the request at the at least one other endpoint (col. 13, lines 23-50).

Art Unit: 2157

As per claims 7, 12 and 13, the claim contain limitations similar to those of claim 1, in such claims 7, 12 and 13, are rejected same rational as claim 1.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakeyama in view of Chen U.S. Patent No. 6,567,380[hereinafter Chen].

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

As per claim 14, Hatakeyama a method for transferring content over a network comprising one or more nodes wherein the one or more nodes are enabled to route messages related to the transfer of content, the method comprising the steps of:

Art Unit: 2157

transmitting a request registration message when requesting content from the one or more nodes, wherein the request registration message advertises (i.e., notifies) to the one or more nodes an interest in locating a particular content (i.e., transmitting request of desired content to other nodes) (see col. 9, lines 10-15 and col. 13, lines 36-50);

transmitting a content deliver message when the particular content requested is located at the one or more nodes (see col. 9, lines 10-15 and col. 13, lines 36-50); and

transferring the particular content requested or a copy of the particular content requested toward the one or more nodes from which the request registration message was transmitted (col. 9, lines 6-31 and col. 13, lines 23-50).

Markus is silent regarding:

transmitting a content registration message when new content is available at the one or more nodes, wherein the content registration message advertises to the one or more nodes that the new content is available.

Chen, discloses a system for propagating of routing update messages to neighboring nodes including transmitting a content registration message when new content is available at the one or more nodes, wherein the content registration message (i.e., transmitting content advertisement message to neighboring nodes when the content of the routing changes (see the abstract and col. 5, lines 41-51). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the Chen transmitting a content registration message when new content is available at the one or more nodes, wherein the content registration message advertises to the one or more nodes that the new content is available into

Art Unit: 2157

Hatakeyama's system in order to reduce repetitive request message by ensuring nodes transmit notification messages when new content is available, thus reducing bandwidth utilization.

As per claim 15, Chen discloses the method of claim 14, wherein the step of transmitting a content registration message further comprises:
propagating the content registration message to the one or more nodes (see col. 5, lines 41-60); and
building a routing table entry at the one or more nodes using the content registration message (see col. 5, lines 41-60).

As per claim 16, Chen discloses the method of claim 14, wherein the step of transmitting a content registration message further comprises:
propagating the request registration message to the one or more nodes (see col. 5, lines 41-60); and
building a routing table entry at the one or more nodes using the request registration message (see fig.7 col. 5, lines 6, lines 10-33).

As per claim 17, Chen discloses the method of claim 14, wherein the step of transmitting a request registration message further comprises: creating a request registration message trail (i.e., creating request message path) (see fig. 5 and col. 6, lines 50-65).

As per claim 18, Chen discloses the method of claim 17, wherein the one or more nodes are enabled to store messages and wherein the step of creating a request registration message trail further comprises: storing a copy of the request registration message at each of the one or more nodes that route the request registration message (see fig. 5 and col. 6, lines 50-65).

As per claim 19, Chen discloses the method of claim 17, wherein the step of transferring the particular content requested or a copy of the particular content requested toward the one or more nodes from which the request registration message was transmitted further comprises: routing the particular content requested or a copy of the particular content requested along a path marked by the request registration message trail (see fig. 5 and col. 6, lines 50-65).

As per claim 20, Chen discloses the method of claim 14, wherein the request registration message further comprises: information or operating instructions that are used to locate the particular content (see col. 6, lines 50-65).

As per claim 21 does not explicitly disclose the method of claim 14, further comprising: balancing the network load for transferring content by storing copies of content at the one or more nodes. "Official notice" is taken that both the concept and advantage of balancing the network load for transferring content by storing copies of content at the

Art Unit: 2157

one or more nodes is well known in the art. Therefore, it would have been obvious to having ordinary skill in the art presented with teaching of Hatakeyama and Chen to balance the network load for transferring content by storing copies of content at the one or more nodes in order to avoid excessive traffic at any one particular node.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 703-308-8441. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to: (703) (872-9306)



Abdullahi Salad
Examiner Au 2157
10/16/2004